

# Withdrawing an Appeal

## GENERAL INFORMATION

### Why would a school want to withdraw an appeal?

At various stages of the appeal process, a school may evaluate whether it is useful to continue with an appeal. For instance, after reviewing the responses received to its requests for information, a school might decide NOT to proceed with an appeal because it would not significantly change its official cohort default rate.



#### Note

Section 435(a)(2)(A)(iii) of the Higher Education Act of 1965, as amended (HEA) requires that a school that submits an unsuccessful cohort default rate appeal pay the Secretary any interest, special allowance reinsurance, and other related or similar payments the Secretary is (or could be) obligated to pay as a result of FFEL Program and Direct Loan Program loans certified/delivered and originated/disbursed beginning 30 calendar days after the school received notification of its cohort default rate until it withdraws the cohort default rate appeal or receives notification that the cohort default rate appeal was unsuccessful. Therefore, a school should withdraw its appeal as soon as it determines that the appeal will be unsuccessful.

## TIMING AND SUBMITTING

### What are the time frames and procedures for withdrawing an appeal?

A school may withdraw its appeal at any time until the U.S. Department of Education (Department) issues a decision on the appeal.

**Q** . If a school withdraws its appeal, will the Department return the appeal materials the school sent?

**A** . Yes, the Department will acknowledge the school's withdrawal, in writing, and return the school's appeal materials.

**Step 1:** Prior to submitting an appeal to the Department, decide if the appeal will, by itself, or in combination with other appeals, reduce the school's cohort default rate(s) below any significant thresholds.

**Example:** After reviewing the responses from all of the entities that responded to its request for verification of erroneous data, School of Business determined that there were not any errors in its FY 1997 cohort default rate data, and its 27.2 percent official cohort default rate was accurate.



**Note**

Please note that since an exceptional mitigating circumstances appeal does not alter a school's cohort default rate, a school's decision to withdraw its exceptional mitigating circumstances appeal should be based on whether or not the independent auditor can attest to the school's assertions that it meets the exceptional mitigating circumstances criteria.

**Step 2:** Notify the Department using the address on page 239 and simultaneously send a copy of the withdraw letter to each entity that responded to the school's request(s).

**Example:** School of Business wrote the Department that it was withdrawing its FY 1997 erroneous data appeal and simultaneously sent a copy of the withdrawal letter to all of the entities that responded to the school's request for verification of erroneous data.

Please refer to the sample **Withdrawing an Appeal** letter on page 241.

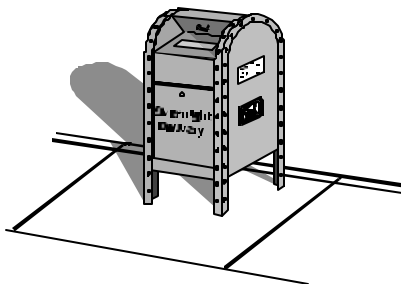


**Note**

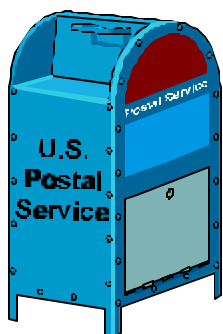
An appeal is withdrawn in its entirety, not on an agency-by-agency or servicer-by-servicer basis.

**If sent by commercial overnight mail/courier delivery** the withdrawal letter should be sent to:

U.S. Department of Education  
Default Management Division  
ATTN: Request for Withdrawal  
ROB-3, Room 3905  
7th and D Streets, SW  
Washington, DC 20407



**If sent by U.S. Postal Service mail** the withdrawal letter should be sent to:



U.S. Department of Education  
Default Management Division  
ATTN: Request for Withdrawal  
Portals Building, Room 6300  
400 Maryland Avenue, SW  
Washington, DC 20202-5353



**Note**

The Department will not accept any appeal correspondence by facsimile (fax) or e-mail.



Sample **Withdrawing An Appeal** Letter**School of Business**

1212 Wedgewood Lane  
Leonardtown, Wisconsin 12345-6789  
123-456-7890

November 6, 1999

**Sample Letter**

U.S. Department of Education  
Default Management Division  
ATTN: Withdrawing an Appeal  
Portals Building, Room 6300  
400 Maryland Avenue, S.W.  
Washington, DC 20202-5353

**OPE ID#:** 111222

**Subject:      Withdrawing an FY 1997 Erroneous Data Appeal**

Dear Default Management Division:

School of Business, **OPE ID#** 111222, is withdrawing its FY 1997 appeal based on allegations of erroneous data.

Thank you for your consideration.

Sincerely,

***Robert Young***

Robert Young, President  
School of Business

cc:      State Guaranty Agency

